

Court of King's Bench of Alberta

Citation: Richardson v MacDonald, 2022 ABKB 732

Date: 20221103

Dockets: 2201 02896, 2201 03422

Registry: Calgary

Between:

Docket 2101 02896

Dale J. Richardson

Respondent / Applicant

- and -

Cst. J MacDonald #5450 Calgary Police, Unknown Member 1 RCMP K Division, Unknown Member 2, RCMP K Division, Cst. Burton Roy, RCMP F Division, Cst. Reid, RCMP F Division, Cst. Parchewski, RCMP F Division, Cst. Reed, RCMP F Division, Cst. Rivest RCMP F Division, Province of Saskatchewan, Court of Queen's Bench for Saskatchewan, Justice R.W. Elson, Justice N.D. Crooks, Court of Appeal for Saskatchewan, the Honourable Gordon Wyant Attorney General of Saskatchewan, Kimberley Anne Richardson

Applicant / Respondents

And Between:

Docket 2201 03422

Dale J. Richardson

Respondent / Applicant

- and -

Justice Karen Horner, the Attorney General of Canada for the RCMP and themselves, and Kimberley Richardson

Applicant / Respondents

2022 ABKB 732 (CanLII)

**Memorandum of Decision
of the
Associate Chief Justice
J.D. Rooke**

2022 ABKB 732 (CanLII)

I. Introduction

[1] Dale J. Richardson [Mr. Richardson] is an abusive litigant who is operating in Alberta, Saskatchewan, and Federal Courts. Recently, this Court struck out two proceedings by Mr. Richardson pursuant to Civil Practice Note No. 7 as hopeless and abusive proceedings: ***Richardson v MacDonald***, 2022 ABQB 317 [***Richardson #4***]. Brown J of the Federal Court has designated Mr. Richardson as a “vexatious litigant”, and imposed global and indefinite *Federal Courts Act*, RSC 1985, c F-7 s 40 court access restrictions on Mr. Richardson and Mr. Richardson’s litigation proxies and agents in ***Richardson v Seventh-Day Adventist Church***, 2022 FC 848 [***Richardson FC***].

[2] In ***Richardson #4*** at para 25, I concluded that Mr. Richardson’s evolving pattern of expanding, aggressive, and abusive litigation potentially warranted steps in this Court to better manage Mr. Richardson’s misconduct. I, therefore, invited the Respondents named in the above styles of cause to initiate *Judicature Act*, RSA 2000, c J-2, ss 23-23.1 proceedings to impose gatekeeping safeguards on Mr. Richardson’s activities before the Alberta Court of Queen’s (now King’s) Bench. On May 25, 2022, Canada responded that it would file an application of that type. At present, Mr. Richardson is subject to:

1. Alberta Court of King’s Bench interim court access restrictions, pending completion of the *Judicature Act* ss 23-23.1 process (***Richardson #4***); and
2. a global prohibition against email communications with the Alberta Court of King’s Bench imposed in response to Mr. Richardson’s extensive and aggressive abuse of that communication mechanism (***Richardson v MacDonald***, 2022 ABQB 566 [***Richardson #5***]).

[3] On September 6, 2022, the Attorney General of Canada [Canada] filed an Application that Mr. Richardson be subject to *Judicature Act* ss 23-23.1 court access restrictions. After review of that Application, and the accompanying Written Submissions, and Affidavit of Carolina Japuncic sworn on September 6, 2022, I concluded that Canada has established a valid basis for the Court to consider whether indefinite and global court access restrictions should be imposed on Mr. Richardson’s access to and court-related activities before the Alberta Court of King’s Bench. As per this Court’s usual practice (***Unrau v National Dental Examining Board***, 2019 ABQB 283 at paras 565-577), that Application was conducted as a document-only process:

1. Mr. Richardson was instructed to submit to my Office written submissions and affidavit evidence, due by September 30, 2022, and

2. Canada shall file and submit to my Office rebuttal argument, if any, by October 7, 2022.

[*Richardson v MacDonald*, 2022 ABKB 627 at para 4 [*Richardson #6*].]

[4] The deadline for Mr. Richardson to make submissions as instructed in *Richardson #6* has passed. No materials have been received from Mr. Richardson. However, in the interim, further developments have occurred that are relevant to management of Mr. Richardson and his litigation. These events are detailed below.

II. Application and Submissions

[5] Canada takes the position that Mr. Richardson should be subject to *Judicature Act* ss 23-23.1 court access gatekeeping, and that Canada should receive costs when its Application is granted. Canada concludes Mr. Richardson has satisfied the criteria for litigation and litigant management of this kind. He has exhibited a pattern of repeated and persistent abusive and improper litigation activities in the Alberta Court of King's Bench and other Canadian courts. That includes persistent futile litigation, re-litigation and collateral attacks, and repeated and hopeless appeals. Mr. Richardson simply refuses to acknowledge or abide by legislation and court procedures. He targets and attempts to intimidate government and court actors, while making scandalous, extraordinary claims. These litigation patterns are documented in Ms. Japuncic's Affidavit and reported decisions of this and other Courts.

[6] Canada observes that Mr. Richardson's pattern of bad conduct is embedded within an overarching conspiratorial narrative. While the seed for his claims were originally a family law dispute, Mr. Richardson now alleges a broad-based international conspiracy to conduct torture, harm children, of churches clandestinely controlled by Satanic forces, and employment of pathogens - "bioweapons" - for nefarious purposes. Mr. Richardson blames that on "Masonic Terrorists". Mr. Richardson's complaints and claims have expanded over time. Mr. Richardson says bad actors and agents in both the United States and Canada are personally targeting him. He, for example, has added government, law enforcement, and court actors to his new expanding claims. That was illustrated in the Alberta Court of King's Bench when Mr. Richardson was denied an application by a Justice who was then immediately added as a target to Mr. Richardson's next litigation. The Masonic conspiracy had, again, expanded.

[7] Canada submits that in many ways the factual and legal bases for Mr. Richardson to be subject to court access gatekeeping are already settled. Courts in multiple jurisdictions have already concluded Mr. Richardson has a dismal record of repeated, persistent, abusive litigation conduct. For example, on July 23, 2022, the Saskatchewan Court of Appeal concluded Mr. Richardson engages in "voluminous quasi-legal arguments" that have no prospect for success. The Federal Court has already imposed court access gatekeeping in *Richardson FC*. Decisions in Alberta are no different. Mr. Richardson's bad litigation conduct is consistent and continual.

[8] The Applicant argues Mr. Richardson cannot be effectively controlled by litigation management steps. He simply ignores court procedures, orders, and launches new lawsuits when his earlier proceedings are terminated. When Mr. Richardson has no legitimate mechanism to advance his claims, he simply invents procedures that he attempts to impose on courts and opposing parties. When Mr. Richardson is unsuccessful in one jurisdiction, he shifts to another. Alberta is Mr. Richardson's third litigation forum after he failed first in Saskatchewan, and then the Federal Courts.

[9] Mr. Richardson employs litigation proxies to facilitate and continue his abusive litigation misconduct, and to evade court management steps. Canada takes the position that meaningful and effective management of Mr. Richardson will require that the Court also place limits on identified individuals who have assisted and facilitated Mr. Richardson's abuse of Canadian courts (Robert Cannon, Janet Cannon, Astra Richardson-Perriera, Agatha Richardson, Devon Richardson, Kaysha Dery a.k.a. Kaysha Richardson) and Mr. Richardson's corporation: DSR Karis Consulting Ltd. However, Canada takes the position that Mr. Richardson's ongoing pattern of recruiting additional proxies means a blanket prohibition against all proxies is the only mechanism that will address that aspect of Mr. Richardson's abusive litigation activity. Canada recommends the approach of Brown J in *Richardson FC* as an appropriate template for those steps.

III. Additional Relevant Developments

[10] As indicated above, Mr. Richardson has continued and expanded his abusive litigation conduct.

A. Federal Court of Appeal Litigation

[11] Mr. Richardson has filed multiple appeals with the Federal Court of Appeal, all of which are now terminated in one manner or another:

- *Richardson v Seventh-Day Adventist Church*, Docket A-221-21 - struck out as abandoned, September 29, 2022
- *Richardson v Seventh-Day Adventist Church*, Docket A-239-21 - matter filed in the incorrect court, January 20, 2022
- *Richardson v Attorney General of Canada*, Docket A-277-21 - struck out as abandoned, September 29, 2022
- *Richardson v Attorney General of Canada*, Docket A-337-21 - struck out as abandoned, September 29, 2022
- *Richardson v Attorney General of Canada*, Docket A-347-21 - struck out as abandoned, September 29, 2022 (appeal of *Richardson FC*).

[12] Consistent with Mr. Richardson's pattern of not accepting court decisions, and, instead, attempting to impose his own authority, Mr. Richardson, in the Dockets A-221-21, A-277-21, A-337-21, and A-347-21 matters, subsequently delivered to the Winnipeg Federal Court of Appeal Registry multiple "Notification of Criminal Complain" documents. The Federal Court of Appeal responded on October 18, 2022 with formal orders dismissing these appeals, and instructing that documents that attempt to continue these matters further "... shall not be filed." Mr. Richardson refused to receive those orders.

[13] Also of note in these proceedings is that Mr. Richardson relied on questionable correspondence from a purported medical physician concerning Mr. Richardson's status: see *Richardson #4* at paras 9-10. Correspondence from this physician claimed Mr. Richardson could not proceed with his litigation, but provided no substantive explanation for why. When the Federal Court of Appeal required Mr. Richardson provide specific information concerning his medical health claims, Mr. Richardson did not provide the required information.

[14] I concluded in *Richardson v MacDonald*, 2022 ABQB 274 at paras 25-28 [*Richardson #3*], that this medical excuse correspondence was not adequate proof that Mr. Richardson required accommodation for medical reasons. The doctor who purported prepared this correspondence, Dr. Moses Ovaporaye, never produced a valid medical report of Mr. Richardson's status. That pattern also occurred in the Federal and Saskatchewan Courts.

B. Busybody and Illegal Representation Activity in Litigation by Kaysha Faith Richardson

[15] Recently, Mr. Richardson's litigation misconduct in the Alberta Court of King's Bench has taken a new direction. A person named Kaysha Faith Richardson [Kaysha] is the Plaintiff in a number of Alberta Court of King's Bench lawsuits, including:

- *Kaysha Faith Richardson v Ronald William Schafer*, Docket No. 1701 17295 [*Kaysha v Schafer*]
- *Kaysha Faith Richardson v Colby Christopher Wallace v Colbray Homes Ltd*, Docket No. 2001 14323 [*Kaysha v Wallace*]
- *Dave Dery and Kaysha Faith Dery, a.k.a. Kaysha Faith Richardson v Christopher Grant Jorgenson and Ashley Mae Jorgensen*, Docket No. 2001 16974 [*Kaysha v Jorgensen*].

[Collectively, the "Kaysha lawsuits".]

[16] Kaysha is apparently Richardson's adult daughter. Until recently, Kaysha was represented by the Pipella law firm in these lawsuits, however, on September 16, 2022, Mr. Richardson filed a lengthy Affidavit in the Kaysha lawsuits, while illegally purporting to act as Kaysha's representative. Mr. Richardson also, without a legal basis, appeared before Applications Judge Farrington, purporting to represent his daughter, allegedly because Kaysha had medical issues. That appearance was in breach of *Legal Profession Act*, RSA 2000, c L-8.

[17] In a September 28, 2022 Decision reported as *Richardson v Schafer*, 2022 ABKB 645 [*Richardson #7*], I struck out the September 16, 2022 Affidavit, because, among other things, the Affidavit has nothing to do with Kaysha and her litigation, but, instead, is entirely about Mr. Richardson and his conspiratorial claims and allegations: *Richardson #7* at paras 7-8. Mr. Richardson had, in effect, commandeered his daughter's lawsuits to advance his own agenda and objectives, and his claims about bioweapons, torture, murder, and Masons. I ordered Mr. Richardson pay costs to the Defendants for his having wasted their time in response to irrelevant filings, and ordered that:

... Mr. Richardson is prohibited from filing any documents in the *Kaysha v Schafer* and *Kaysha v Wallace* Actions, except where Mr. Richardson has both:

- a) obtained an order of a Justice of this Court permitting such, and
- b) paid in full the \$3,000 costs amount, indicated above.

[18] The same day Kaysha's former counsel appeared before Applications Judge Farrington to obtain a charging order, that was granted. Again, Kaysha was not present, but, instead, Mr. Richardson appeared by teleconference. Mr. Richardson's conduct at that hearing was improper and extremely abusive. Mr. Richardson had to be muted to control his bad conduct. His language and claims regarding Kaysha's former counsel were entirely inappropriate and unwarranted. Applications Judge Farrington concluded, to the limited degree that anything Mr. Richardson had

claimed was discernable, Mr. Richardson was engaged in yet a further collateral attack on earlier Court proceedings, and that nothing Mr. Richardson had said or argued related to the Kaysha lawsuits.

[19] Yet more problematic activity soon followed. On September 28-29, 2022, a person named “Astra” appeared at the Alberta Court of King’s Bench civil Clerks’ counter, demanding to file “Notices of Appeal of Applications Judge’s Judgment or Order” in all three of the Kaysha actions listed above. The three Appeal documents relied on Mr. Richardson’s September 16, 2022 Affidavit that had been struck out by **Richardson #7**. The address for service for the person filing the three Appeals reads:

KAYSHA FAITH RICHARDSON
C/O DALE J. RICHARDSON
1292 95th St. North Battleford SK,
S9A 0G2
Tel: 306-441-7010
Fax: 639-630-2551
Email: unity@dsrkarisconsulting.com

That is the same service information in Mr. Richardson’s busybody Affidavit that was struck out by **Richardson #7**. None of these filings indicate a basis for the purported appeals, or even the identity of the decision(s) that are being challenged.

[20] “Astra” appears to be “Astra Richardson-Pereira” [Ms. Richardson-Pereira], who self-identifies as Mr. Richardson’s sister (**Richardson #3** at paras 2, 29-33), and has operated as an ally, collaborator, and litigation proxy for Mr. Richardson in Mr. Richardson’s Alberta and Federal Courts litigation. Ms. Richardson-Pereira was made subject to interim court access restrictions: **Richardson #3** at para 31. Regardless of who might be identified as the person filing the three Appeals - Dale Richardson or Astra Richardson-Pereira - that person was doing so in breach (and *prima facie* contempt) of the Order of this Court.

[21] When Ms. Richardson-Pereira was refused filing by the Clerk of the Court, she phoned Mr. Richardson, who then spoke to the Clerk. Mr. Richardson was abrasive, argumentative, and abusive. The Clerk indicated this conduct was unacceptable, and that the Sheriffs would remove Ms. Richardson-Pereira. At this point Ms. Richardson-Pereira left, but subsequently returned and repeatedly “clerk shopped” the appeal documents, until they were illegally filed. During this process Mr. Richardson made further telephone calls to the Clerk of the Court where he was abusive and intimidating, and demanded his documents were filed, as he wanted, in breach of the Court’s order. When the Clerk of the Court subsequently called Mr. Richardson to stress that the Appeal documents were improper, Mr. Richardson rejected that, and, again, acted in an abusive and improper manner.

[22] The Appeal documents and the illegal activities and bad conduct of Mr. Richardson and Ms. Richardson-Pereira were then brought to my attention on September 29, 2022.

[23] Next, on October 4, 2022, an unidentified person filed an “Affidavit of Service”, sworn by Agatha Richardson, that appears to be intended to document providing certain materials - but not court applications or originating documents - to a person I believe is Kaysha’s former lawyer.

Again, the information to identify the person who is filing this document shows this item was not filed by Kaysha, but Mr. Richardson. This document was therefore also illegally filed, in breach of *Richardson #7*.

[24] The content and exhibits to the October 4, 2022 document are difficult to understand. For example, paragraph 3 of the Affidavit reads:

The service to Dale Richardson is necessary because Kaysha Faith Richardson has filed for asylum in the United States in part because of Derek Allchurch trying to coerce her to return to people who tortured her. [Sic.]

[25] Attached exhibits include:

1. partial copies of conspiratorial “Reports” generated by Mr. Richardson, that each are several thousand pages long,
2. an email denouncing me as a criminal, and reporting me to law enforcement, and
3. correspondence to the Saskatchewan Court of Appeal that reports that Amy Groothius, the Registrar of that Court, is engaged in bioterrorism, child trafficking for sexual exploitation, torture, treason, and crimes against humanity.

C. Improper Email Communications

[26] In *Richardson #5*, I concluded that Mr. Richardson has abused email as a mechanism to communicate with the Court. That took a number of forms. One was that Mr. Richardson has attempted to circumvent my authority and supervision of his litigation by communicating directly with Chief Justice Moreau, in correspondence titled: “For Greater Certainty to Report Crimes of “Rooke the Crook””. As I observed in *Richardson #5* at para 5, this was a blatant attempt at “judge shopping”, abusive conduct that warrants court intervention: *Unrau v National Dental Examining Board*, 2019 ABQB 283 at paras 307, 677-678 [*Unrau #2*].

[27] Mr. Richardson uses irregular and improper communications and challenges outside court procedure in many circumstances, and that has also occurred in other courts, in addition to the Alberta Court of King’s Bench: *Richardson #5* at para 6. This Court has repeatedly received irregular and improper communications of this kind both before and after Mr. Richardson was banned from communicating with the Alberta Court of King’s Bench by email. Mr. Richardson simply has ignored the *Richardson #5* Order, in parallel to his usual pattern of uncontrolled, contemptuous action.

[28] Most recently, Mr. Richardson has responded to this Court’s Decisions and Orders by claiming the legitimate litigation and litigant management steps imposed by this Court are “intimidation”, and saying he has reported the Court’s purportedly illegal activity to the RCMP “for crimes”, and also the “the Office of the Director of National Intelligence in the United States ...”, e.g. email received September 19, 2022. A subsequent email, that was reproduced in the Agatha Richardson Affidavit discussed above, reports that I am an active bioterrorist.

IV. The Law

[29] The Alberta Court of Appeal in *Jonsson v Lymer*, 2020 ABCA 167 [*Lymer*] ruled that the question of whether or not a person should be subject to prospective litigation gatekeeping pursuant to *Judicature Act* ss 23-23.1 is a backwards looking exercise that focuses on the

litigation record of an abusive litigant to evaluate whether that person has engaged in certain forms of litigation misconduct, some that are itemized in *Judicature Act* s 23(2), and others that have been identified in case law. In Alberta, the broadly adopted **Unrau #2** decision provides a comprehensive review of the “indicia” of abusive litigation that potentially warrant court intervention. Court access restrictions are a “last ditch” step that may only be imposed after other litigation management approaches have failed, and when less intrusive alternatives, such as case management, are ineffective: **Lymer**.

V. Analysis

A. Mr. Richardson’s Abusive Litigation Conduct

[30] I generally agree with and adopt the evidence, arguments, and conclusions advanced by Canada in relation to Mr. Richardson. I will not conduct a comprehensive review of the Respondent’s litigation. First, I am not certain that is possible, given Mr. Richardson’s expansive and often irregular litigation in Canada and the United States. What has become known to me is difficult to fully explain, because: 1) so much of what Mr. Richardson alleges is incomprehensible conspiratorial gibberish, and 2) Mr. Richardson’s “litigation activities” simply are often entirely outside known court processes. “Dismal” does not adequately cover this conglomeration.

[31] Second, as explained by Stratas JA in **Canada v Olumide**, 2017 FCA 42 at paras 35-40, when evaluating abusive litigants, “focused” evidence is necessary, rather than “... an encyclopedia of every last detail about the litigant’s litigation history.”

[32] As noted in the Applicant’s argument, this Court has already reviewed and made critical findings of fact and law, including Mr. Richardson’s:

1. engaging in collateral attacks to attack decisions both inside and outside Canada (**Richardson v MacDonald**, 2022 ABQB 235 [**Richardson #1**], **Richardson #4**);
2. patterns of extraordinary Masonic and Satanic conspiratorial claims, directed at relatives, church members, government, court, and law enforcement (**Richardson #1**; **Richardson v MacDonald**, 2022 ABQB 247 [**Richardson #2**]; **Richardson #3**; **Richardson #4**);
3. pattern of repeated judge shopping (**Richardson #2**; **Richardson #5**);
4. extensive record of employing proxy litigation actors (**Richardson #3**; this decision);
5. engaging in bad faith conduct, for example falsely attempting to delay proceedings for purported health issues (**Richardson #3**), and openly ignoring the Court’s instructions and decisions (this Decision); and
6. busybody litigation, and using other persons’ proceedings for his own purposes (**Richardson #7**, this decision).

[33] Together, these findings, and the fact Mr. Richardson’s abusive Alberta litigation is part of a multi-year, international history of bad litigation conduct, establishes that Mr. Richardson has a pattern of repeated, persistent, abusive litigation. Collectively, these court findings are an

extremely strong basis to conclude that Mr. Richardson should be immediately subject to comprehensive court access gatekeeping steps.

[34] Furthermore, the fact that the Federal Court has already determined that Mr. Richardson must be subject to court access gatekeeping is an additional very strong indication that parallel steps are appropriate in Alberta. The Alberta Court of King's Bench has adopted the principle identified by Stratas JA of the Federal Court of Appeal, who, in *Canada v Olumide*, 2017 FCA 42 at para 37, concluded:

... other courts' findings of vexatiousness under similarly-worded provisions can be imported into later applications against the same litigant and can be given much weight ... The wheel needn't be reinvented.

See also *Simon v Canada (Attorney General)*, 2019 FCA 28 at para 25.

[35] This rule has been repeatedly applied by the Court of [King's] Bench of Alberta. For example, in *Hill v Bundon*, 2018 ABQB 506 at para 79, the Court expressed the rule in this manner:

I conclude as a point of law that where a court in another jurisdiction has imposed court access restrictions on a person then that creates a presumption that analogous court access restrictions are also warranted, either on application or the court's own motion, in Alberta, unless that presumption is rebutted by the alleged abusive litigant. [Emphasis added.]

[36] Similarly, Moreau CJ in *Peters v Keef*, 2019 ABQB 85 at para 17, concluded:

... When a court has already concluded that court access restrictions are necessary to manage a litigant, then that is, of itself, a very strong factor in support of additional court access restrictions that respond to additional anticipated litigation misconduct ... [Emphasis added.]

[37] This principle was recently confirmed by the Alberta Court of Appeal: *Feeney v TD General Insurance Company*, 2021 ABQB 947, aff'd 2022 ABCA 118.

[38] I further observe that Mr. Richardson's litigation history establishes a pattern of multiple lawsuits and legal proceedings that target an increasing variety of different Defendants. The styles of cause in this Decision illustrate that point. The fact that Mr. Richardson sees the conspiracy against him emerging in practically any context - for example, the startling claim that I, as a Justice of this Court, am a bioweapon terrorist and torturer - means that while Mr. Richardson's abusive litigation has a single originating root, this weed has generated numerous branches, runners, and shoots. That pattern favours general court access restrictions.

B. Court Access Gatekeeping of Mr. Richardson's Activities

[39] *Lymer* requires that court access restrictions are a last alternative to other litigation management steps, such as case management. With Mr. Richardson, the only potentially effective form of prospective litigation and litigant management is court access gatekeeping of all future litigation by Mr. Richardson. Limited steps, such as case management of a particular lawsuit, are predictably ineffective to manage Mr. Richardson. They have failed in this and other Canadian courts. Mr. Richardson does not in any way adhere to the rules and principles of Canadian law and procedure. Bluntly, Mr. Richardson is out of control, and utterly unresponsive to steps that require him cooperate, in any ways, with the Court. Instead, Mr. Richardson

escalates his allegations and bad conduct at every turn. Anyone who does not entirely comply with Mr. Richardson's demands is denounced as a torturer, a child abuser, and a Satanic Mason stooge.

[40] I, therefore, conclude that Mr. Richardson should be subject to court access restrictions in the Alberta Court of Queen's Bench, pursuant to *Judicature Act* ss 23-23.1, such that I find that Dale J. Richardson is a vexatious litigant, and I order:

1. The Interim Court Access Restriction Order dated March 29, 2022 in Alberta Court of King's Bench Dockets Nos. 2201 02896 and 2201 03422 are vacated, immediately.
2. Dale J. Richardson is prohibited from commencing, or attempting to commence, or continuing, any appeal, action, application, or proceeding in the Alberta Court of King's Bench, on his own behalf or on behalf of any other person or estate, without an order of the Chief Justice or Associate Chief Justice of the Alberta Court of King's Bench, or her or his designate.
3. For clarity, paragraph 2 means Dale J. Richardson is prohibited from participating as a representative, agent, or in any other sense in these Alberta Court of King's Bench proceedings:
 - *Kaysha Faith Richardson v Ronald William Schafer*, Docket No. 1701 17295;
 - *Kaysha Faith Richardson v Colby Christopher Wallace v Colbray Homes Ltd*, Docket No. 2001 14323; and
 - *Dave Dery and Kaysha Faith Dery, a.k.a. Kaysha Faith Richardson v Christopher Grant Jorgenson and Ashley Mae Jorgensen*, Docket No. 2001 16974.
4. To commence or continue an appeal, application, or other proceeding in the Alberta Court of King's Bench, Dale J. Richardson must first submit an application to the Chief Justice or Associate Chief Justice, or her or his designate. If such an application is made:
 - (i) The Chief Justice or Associate Chief Justice, or his or her designate, may, at any time, direct that notice of an application to commence or continue an appeal, action, application, or proceeding be given to any other person.
 - (ii) Any application shall be made in writing.
 - (iii) Any application to commence or continue any appeal, action, application, or proceeding must be accompanied by an affidavit:
 - a) attaching a copy of the Order arising from this decision that restricts Dale J. Richardson's access to the Court of King's Bench of Alberta;
 - b) attaching a copy of the appeal, pleading, application, or process that Dale J. Richardson proposes to issue or file or continue;
 - c) deposing fully and completely to the facts and circumstances surrounding the proposed claim or proceeding, so as to demonstrate that

the proceeding is not an abuse of process, and that there are reasonable grounds for it;

d) indicating whether Dale J. Richardson has ever sued some or all of the defendants or respondents previously in any jurisdiction or Court, and, if so, providing full particulars;

e) undertaking that, if leave is granted, the authorized appeal, pleading, application or process, the Order granting leave to proceed, and the affidavit in support of the Order will promptly be served on the defendants or respondents; and

f) undertaking to diligently prosecute the proceeding.

(iv) The Chief Justice or Associate Chief Justice, or his or her designate, may:

a) require that Dale J. Richardson, or the Court on its own motion, give notice of the proposed claim or proceeding and the opportunity to make submissions on the proposed claim or proceeding, if they so choose, to:

(1) the involved potential parties;

(2) other relevant persons identified by the Court; and

(3) the Attorneys General of Alberta and Canada;

b) respond to and dispose of the leave application in writing; or

c) hear and dispose of the leave application in open Court where the decision shall be recorded.

5. Leave to commence or continue proceedings may be given on conditions, including the posting of security for costs, and proof of payment of all prior cost awards.

6. An application that is dismissed may not be made again, directly or indirectly.

7. An application to vary or set aside this Order must be made on notice to any person as directed by the Court.

8. The Clerks of the Court of King's Bench of Alberta shall refuse to accept or file any documents or other materials from Dale J. Richardson unless:

(i) Dale J. Richardson is a named defendant or respondent in the action in question, or

(ii) if the documents and other materials are intended to commence or continue an appeal, action, application, or proceeding, Dale J. Richardson has been granted leave to take that step by the Court.

[41] I caution Mr. Richardson that he, at present, has no legitimate court activities at the Alberta Court of King's Bench. If Mr. Richardson seeks to initiate litigation processes with this Court, he must first obtain leave to do so pursuant to the process in the proceeding paragraph.

[42] I must observe, after examining Mr. Richardson's activities and record, that these steps will fail. In my opinion, there is no possibility that Mr. Richardson will comply with the leave to

file process. Instead, he will, unilaterally attempt to impose whatever steps and procedures he can upon the Alberta Court of King's Bench, by hook or by crook (but not by Rooke).

[43] At a minimum, that all but guarantees serious and repeated abuse of the leave to file process implemented above. Thus, these steps are not a solution, though this litigation gatekeeping will hopefully somewhat attenuate Mr. Richardson's worst activities. However, as long as persons in Alberta have an absolute right to self-represent, as dictated in *Lymer*, Mr. Richardson will predictably continue to harm this Court's system, waste its resources, and threaten and bully its employees.

C. Additional Litigant Management Steps

[44] That brings me to further steps to hopefully minimize the harm and waste caused by Mr. Richardson, including the misconduct of Mr. Richardson and his allies in physical courtrooms; by their abuse of the Clerks, Judicial Assistants, and other staff; and by improper, abusive, and harassing communications and bullying. This Court has already ruled concerning Mr. Richardson's abuse of email processes: *Richardson #5*. Other steps are now also necessary.

[45] I have reviewed some instances where Mr. Richardson and his allies have engaged in improper conduct, ignored court orders, and, essentially, done whatever they want. These are only examples of a broader pattern. In addition to the inappropriate, threatening, bullying, and abusive activities by these individuals, another stressor that results from Mr. Richardson's activities flows from the volume of his materials. His "Reports" started in the hundreds of pages, but now have expanded to thousands of pages. None of this material has proven to be of any relevance or merit, and, in fact, much of what found in these documents is *prima facie* defamation and criminal contempt of court. Nevertheless, because of the Court's obligation to litigants, these materials have been received, filed, copied, scanned, and reviewed by court decision makers. All that has been a complete waste of effort and time.

[46] Mr. Richardson's refusal to follow court procedures and orders, and his employing litigation proxies, creates unusual issues for the effective management of the abusive activities in this Court that originate from Mr. Richardson. Mr. Richardson's abusive, harmful, and bullying interactions with the Court and its staff are neither acceptable nor tolerable.

[47] This Court has, as part of its jurisdiction, an inherent authority to take steps to protect and control its processes: *BCGEU v British Columbia (Attorney General)*, [1988] 2 SCR 214 at para 49, 53 DLR (4th) 241; I H Jacob, "The Inherent Jurisdiction of the Court" (1970) 23:1 Current Legal Problems 23 at 40-41. That includes steps so that litigants do not misuse access to the Court, and that respond to improper, abusive, and wasteful communications and interactions: reviewed in *JSG (Re)*, 2021 ABQB 555 at paras 8-13. *Occupational Health and Safety Act*, RSA 2000, c O-2.1, s 3(1)(b) requires this Court take reasonable and practical steps to prevent workplace harassment and bullying. These obligations are particularly critical when abuse is directed at vulnerable members of the Court, such as the Court Clerks, Court Coordinators, and Judicial Assistants. As Justice Shelley, formerly of this Court, concluded in *Alberta Treasury Branches v Hok*, 2019 ABQB 196 at para 10:

The Court Clerks serve a critical function as part of the administration of justice in this province. They are the front line of the Alberta Court of [King's] Bench. They are required to assist litigants and others who have business with the Court. However, the obligation to provide these services to the public does not extend to

them being bullied, abused, or otherwise mistreated in an unfair and unprofessional manner.

[48] I, therefore, expand on the communications and court access limitations imposed in **Richardson #5**. Mr. Richardson may now only communicate with the Alberta Court of King's Bench in relation to any matter before the Court, and only to which he is a valid party, or a leave application by:

1. registered mail, addressed to the "Manager, Alberta Court of King's Bench Administration", or if directly communicating with a Justice or Applications Judge of this Court, to the Judicial Assistant of that Justice or Judge, or
2. by a person authorized under the *Legal Profession Act*, RSA 2000, c L-8 to act as a representative in the Court of King's Bench of Alberta.

[49] For clarity, Mr. Richardson is prohibited from:

1. personally appearing at the Court's Counters; and
2. all telephone, email, fax, or other communications with the Alberta Court of King's Bench Clerks, Judicial Assistants, Court Coordinators, or other Alberta Court of King's Bench of Alberta staff,

without an Order of the Chief Justice, or Associate Chief Justice, or her or his designate which permits that contact.

[50] Any materials received from Mr. Richardson, including communication of any kinds, documents, and purported filing, that are received by means other than the approved forms, shall be immediately discarded without any response.

[51] I instruct the Clerks request that the Sheriffs remove Mr. Richardson from the Courthouse if he fails to comply with the prohibition on him attending the Court's Counters.

[52] I, again, note to Mr. Richardson that he, at present, has no legitimate court activities at the Alberta Court of King's Bench. If Mr. Richardson seeks to initiate litigation processes with this Court, he must obtain leave to do so pursuant to the process above at paragraph 40 above.

D. Litigation Proxies and Agents

[53] Mr. Richardson employs proxies and agents to evade the Court's litigation and litigant management steps. Sometimes he personally wears the mask of his business, DSR Karis Consulting Inc, or claims status as an officer of that corporation.

[54] The Court has already imposed interim court access restrictions on Kaysha and Ms. Richardson-Periera, following my conclusion in **Richardson #3**, at paras 29-33, that these persons were inappropriately operating as litigation proxies for Mr. Richardson to facilitate his abuse of this Court and its processes. I also accept and adopt the litigation review, analysis, and conclusions of Brown J in **Richardson FC** at paras 36-49 that Mr. Richardson has broadly engaged litigation proxies to further his abusive litigation in multiple courts and jurisdictions. I agree with the Applicant that Mr. Richardson's use of third parties to evade management and expand on his abusive litigation must be addressed.

[55] I, therefore, adopt steps that parallel those taken by Justice Brown to address Mr. Richardson's indirect abusive litigation steps, I, on that basis, order that the litigation and litigant management steps imposed in parts V(B) and V(C) of this Decision also apply to:

- Robert Cannon;
- Janet Cannon;
- Astra Richardson-Perriera;
- Agatha Richardson;
- Devon Richardson;
- Kaysha Faith Dery a.k.a. Kaysha Faith Richardson; and
- DSR Karis Consulting Inc, and officers of that corporation;

except where the listed individual is:

1. a properly named party to the litigation, and
2. if a candidate filing is intended to initiate litigation, or a litigation step, that litigation or litigation step has been granted leave by a justice of the Alberta Court of King's Bench.

[56] For clarity, these gatekeeping steps mean that Kaysha may file documents in the Kaysha lawsuits, except where Kaysha's candidate filings are intended to initiate or cause a litigation step. If Kaysha seeks to file documents that are intended to initiate or cause a litigation step, then Kaysha must first obtain leave of this Court, prior to filing that document.

[57] I order the Clerk of the Court, Court Coordinators, and Judicial Assistants shall draw to the attention of myself or my designate any documents, communications, or other materials received by the Court, that are not from Mr. Richardson, or the listed proxies and agents above, that:

1. involve Dale J. Richardson, and
2. appear to circumvent the litigation and litigant management steps in this Decision, or that appear intended to circumvent the litigation and litigant management steps in this Decision.

E. Conclusion

[58] Mr. Richardson is subject to indefinite and global court access gatekeeping before the Alberta Court of King's Bench. Mr. Richardson is also subject to additional communications restrictions, in addition to those imposed in *Richardson #6*.

[59] Mr. Richardson's identified litigation proxies are subject to the same litigation and litigant management steps.

[60] As Canada has been entirely successful in this Application, Mr. Richardson is ordered to pay Canada \$3,000 in costs, forthwith.

VI. Kaysha Litigation and Other Busybody Proceedings

[61] Mr. Richardson's illegal and unauthorized intrusion into the Kaysha lawsuits represents a particular challenge in balancing the interests of a currently self-represented person, Kaysha, and avoiding Mr. Richardson commandeering his daughter's litigation for his own unrelated, abusive purposes. To be explicit, the Court finds that Mr. Richardson has no valid role in representing Kaysha, and, further, is completely prohibited by the *Legal Profession Act* from acting in any capacity on her behalf in any existing or future litigation before the Alberta Court of King's Bench.

[62] When I issued **Richardson #7**, I intentionally limited the negative consequences of Mr. Richardson's actions to himself. It was then unclear to what degree, if any, Kaysha was involved in Mr. Richardson's actions in the Kaysha lawsuits. For all I know, Mr. Richardson has unilaterally taken it upon himself to intrude into these matters as a busybody. His daughter may have no or incomplete knowledge of what Mr. Richardson has done.

[63] That said, Kaysha has previously operated as a litigation proxy of Mr. Richardson in lawsuits started and pursued in Alberta by Mr. Richardson: **Richardson #3**. Kaysha is, therefore, not an uninvolved person.

[64] The Order in Part V(D) of this Decision has the effect of staying all three of Kaysha lawsuits. No further documents may be filed on these matters, except as authorized by this Decision. If Kaysha seeks to pursue the Kaysha lawsuits, she must obtain leave of this Court, pursuant to the procedure in Part V. Kaysha may only submit a leave to continue litigation request by registered mail to my Office, or the Office of my designate.

[65] I very strongly recommend that Kaysha consult with a legal professional prior to making that leave application. Kaysha should exercise great caution in relation to claims from her father. I stress to Kaysha, that if she were to make an application to continue her litigation, and that application was rejected, then that would terminate her lawsuit or lawsuits, and Kaysha may be subject to court ordered costs paid to the opposing parties.

[1] If Kaysha cannot afford a lawyer, then she should contact a public legal assistance resource such as Legal Aid Alberta, Calgary Legal Guidance, the University of Calgary Student Legal Assistance, or Student Legal Services of Edmonton (contact information is available on the Canadian Judicial Council's Self-Represented Litigant Civil Handbook, under "Resources" and Alberta (pp 92-95, cjc-ccm.ca/sites/default/files/documents/2021/Civil%20Handbook%20-%20EN%20MASTER%202021-10-19.pdf).

[66] Mr. Richardson and Ms. Richardson-Pereira have breached the Court's litigation management steps imposed in **Richardson #7**. I conclude that they were very well aware of the illegality of their actions, since that was brought to their attention by the Clerks. Mr. Richardson and Ms. Richardson-Pereira were explicit that they knew what they were doing was prohibited, but they simply did not consider themselves bound by the Orders of this Court.

[67] I, therefore, Order:

1. that the September 28-29, 2022 "Appeal" documents are struck out and removed from the relevant file records, except for the purposes of providing the documentary basis for this Decision;

2. that the October 4, 2022 “Affidavit of Service” is struck out and removed from the relevant file records, except for the purposes of providing the documentary basis for this Decision;
3. Dale J. Richardson is fined \$5,000, pursuant to *Rule* 10.49(a), and shall pay that amount to the Clerk of the Court, forthwith (by separate order to be served on the Clerk of the Court under *Rule* 13.45); and
4. Astra Richardson-Pereira is fined \$5,000, pursuant to *Rule* 10.49(a), and shall pay that amount to the Clerk of the Court, forthwith (under the same authority as in point 3 above).

[68] If Kaysha does not seek leave to continue the *Kaysha v Schafer*, *Kaysha v Wallace*, and *Kaysha v Jorgensen* lawsuits within six months of the date of this Decision, then the Defendants may apply to this Court, with notice to Kaysha, that aspects of the *Kaysha v Schafer*, *Kaysha v Wallace*, and/or *Kaysha v Jorgensen* lawsuits which relate to Kaysha are struck out as an abuse of the Court.

VII. Conclusion

[69] Mr. Richardson’s litigation in Alberta and other jurisdictions has been consistently abusive, wasteful, and appears to have no basis in law or fact. Instead, Mr. Richardson is apparently motivated by distorted, conspiratorial, and hateful beliefs. Worse, Mr. Richardson has located and recruited allies, who now support and facilitate Mr. Richardson’s bad conduct.

[70] This Decision is an incremental step to, hopefully, better manage Mr. Richardson and litigation. However, as I have previously indicated, I have little hope Mr. Richardson and his proxies will be effectively managed. That is part of a broader pattern. The law in Alberta is not adequate to control abusive litigants: see *Hayden v Hayden*, 2022 ABKB 648 at paras 12-14. Instead, the tools available to this Court only to some degree mitigate and/or blunt the worst effects of persons like Mr. Richardson and his allies. The bleeding will almost certainly continue.

[71] This Court will prepare the Orders giving effect to this Decision. The Clerk of the Court shall place a copy of this Decision and its corresponding Orders on these files:

- *Kaysha Faith Richardson v Ronald William Schafer*, Docket No. 1701 17295;
- *Kaysha Faith Richardson v Colby Christopher Wallace v Colbray Homes Ltd*, Docket No. 2001 14323; and
- *Dave Dery and Kaysha Faith Dery, a.k.a. Kaysha Faith Richardson v Christopher Grant Jorgenson and Ashley Mae Jorgensen*, Docket No. 2001 16974.

[72] This Decision shall be served on Mr. Richardson to the email addresses he has used in his communications with my Office: dale.richardson@dsrkariconsulting.com, and unity@dsrkariconsulting.com.

Dated at the City of Calgary, Alberta this 3rd day of November, 2022.

J.D. Rooke
A.C.J.C.K.B.A.

Appearances:

Jessica Karam
Attorney General of Canada
Department of Justice Canada
Prairie Region, Saskatoon Office
for the Applicant Attorney General of Canada

2022 ABKB 732 (CanLII)